

JOINT LEGISLATIVE FISCAL COMMITTEE - SPECIAL AGENDA

Zoom Webinar

Tuesday, June 8, 2021

MEMBERS PRESENT:

Rep. Kenneth Weyler, Chair
Rep. Karen Umberger, Clerk
Rep. Lynne Ober
Rep. Tracy Emerick
Rep. Mary Jane Wallner (Alt.)
Rep. Jess Edwards (Alt.)
Sen. Gary Daniels, Vice-Chair
Sen. President Chuck Morse
Sen. Bob Giuda
Sen. Lou D'Allesandro
Sen. Cindy Rosenwald

(1) Call In Instructions:

CHAIRMAN WEYLER: All right. We'll start again. As Chair of the Fiscal Committee, I find that due to the state of emergency declared by the Governor, as a result of the COVID-19 Pandemic, and in accordance with House Rule 67, and the Governor's Emergency Order Number 12, pursuant to the Executive Order 2020-04, this public body is authorized to meet electronically. This is a special meeting of the Committee.

Please note that there is no physical location for members of the public to observe and listen contemporaneously to this meeting. Excuse me.

However, in accordance with the Emergency Order, I am confirming that all Members of the Committee and select legislative staff have the ability to communicate contemporaneously during this meeting through the Zoom electronic meeting platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by the Zoom platform or by telephone.

All necessary access information has been made available in the House and Senate Calendars, and through the electronic calendar on the General Court website.

Notice for this meeting complies with House Rules RSA 91-A. Anyone who has a problem accessing the meeting should mail LBA_Fiscal@leg.state.nh.us. In the event the public is unable to attend -- unable to access the meeting, the meeting will be adjourned and rescheduled.

LBA staff are on the meeting assisting us. Please note, all votes that are taken during this meeting will be done by roll call votes.

I'll say that there is a deviation from our normal procedures within the Fiscal Committee meeting. Normally, we only okay funding that is applied to the current biennium that we're passing a budget for. This deviation will apply to these items that are in before us in this meeting because this is the American Recovery Act monies, and some of them go beyond the biennium for which we're creating a budget. So that is a deviation from our normal procedures, and we will probably have some of these same items in future Fiscal meetings, and they will be isolated from the normal agenda because of that fact that they are being treated differently because of the fact that timing of the spending. Thank you very much.

So we'll begin with a roll call of the members.

KAREN UMBERGER, State Representative, Carroll County,
District #02: Representative Weyler.

CHAIRMAN WEYLER: Present in Kingston alone.

REP. UMBERGER: Representative Ober.

LYNNE OBER, State Representative, Hillsborough County,
District #37: Present in Hudson. As usual, cats and husband in
the house. I hope the cats don't meow.

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REP. UMBERGER: Representative Emerick.

TRACY EMERICK, State Representative, Rockingham County, District #21: I'm alone in my office, home office in Hampton.

REP. UMBERGER: Representative UMBERGER. I'm alone in the room in Kearsarge. My husband is in the house. Representative Wallner.

MARY JANE WALLNER, State Representative, Merrimack County, District #10: I'm at home -- at my home in Concord and my husband is in another part of the house.

REP. UMBERGER: Senator Daniels.

GARY DANIELS, State Senator, Senate District #11: Senator Gary Daniels. I'm at my home office in Milford and I'm alone.

REP. UMBERGER: Senator Morse.

CHUCK MORSE, State Senator, Senate President, Senate District #22: Senator Chuck Morse. I'm in my office in Concord, and I am alone.

REP. UMBERGER: Senator Giuda.

ROBERT "Bob" GIUDA, State Senator, Senate District #02: Here. Bob Giuda at my home in Warren with daughter and grandson nearby.

REP. UMBERGER: Senator Rosenwald.

CINDY ROSENWALD, State Senator, Senate District #13: I'm in my home in Nashua alone in the room.

REP. UMBERGER: Senator D'Allesandro.

LOU D'ALLESANDRO, State Senator, Senate District #20:
Senator D'Allesandro. I'm at home in Manchester and my wife is in the house.

REP. UMBERGER: Thank you.

CHAIRMAN WEYLER: Okay. We have a quorum present. I believe everyone is present.

(2) Old Business:

(3) RSA 14:30-a, VI Fiscal Committee Approval Required For Acceptance and Expenditure of Funds Over \$100,000 from any Non-State Source.

CHAIRMAN WEYLER: We have a Consent -- we have no Old Business. Moving on to Tab 3. There is a Consent Calendar with a number of items, and we have requests to remove 21-139, and that's it for those five items.

REP. OBER: Mr. Chairman.

CHAIRMAN WEYLER: Representative.

** REP. OBER: I would move to approve the remaining items.

CHAIRMAN WEYLER: Motion to approve the remaining items on Consent Calendar under Tab 3.

REP. EMERICK: Emerick seconds.

CHAIRMAN WEYLER: And there's a second by Representative Emerick. Is there any further discussion? Any other items that anybody wishes to remove? Seeing none. The Clerk will call the roll on the approval of items number, and I will list them: 21-137, 21-140, 21-144, and 21-146.

Just a comment before we call the roll. Many of these items have been reviewed by the Capital Budget Committees in both the

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House and the Senate and are -- are known to what they are representing. And they were removed from the Capital Budget because these funds were expected. Thank you. Clerk will call the roll on accepting the rest of the Consent Calendar on Tab 3.

REP. UMBERGER: Representative Ober.

REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Umberger. Yes.
Uh -- Representative Wallner.

REP. WALLNER: Yes.

REP. UMBERGER: Rep -- Senator Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

REP. UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

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CHAIRMAN WEYLER: Yes.

REP. UMBERGER: Ten yes, zero no.

CHAIRMAN WEYLER: Okay.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Okay. Returning to item FIS 21-139. Is there someone present from HHS to answer questions?

MICHAEL KANE, Legislative Budget Assistant, Office of Legislative Budget Assistant: Yes, we'll bring them over.

KERRIN ROUNDS, Chief Financial Officer, Department of Health and Human Services: Good morning. I do have a series of people that I need brought over. Heather Moquin, Joe Caristi. We have Joe already. Katja Fox, Henry Lipman, and Deb Sheetz.

CHAIRMAN WEYLER: Okay. I see them being brought over. And I have a list of people that want to ask questions on this item starting with Representative Umberger and, also, Senator Rosenwald. And if there's anybody else, I'll get to you after those two. Representative Umberger's recognized for question on item number 21-139.

REP. UMBERGER: Thank you very much, Mr. Chairman. This is the -- I have -- on item number one, which is the psychiatric long-term care and assisted living expansion, my question here is are there additional beds available in the long-term care facilities without impacting the normal long-term care needs?

DEB SHEETZ, Director, Division of Long-Term Supports and Services, Department of Health and Human Services: Representative Umberger, this is Deb Sheetz. I'm the Director of Long-Term Supports and Services, and thank you for the question.

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At this point in time, we've been working with all of the nursing facilities and assisted-living facilities, and what we've been doing is maximizing the beds that have -- we've had a reduce in occupancy in these facilities during the COVID Pandemic. So what we are doing is we are not adding new beds, but we are maximizing the bed availability. At this point in time, we have moved 19 individuals from New Hampshire Hospital and from Glencliff Home into facilities throughout the state and, thus far, the transitions have gone very well.

And we had a call yesterday, myself and Heather, with one facility just to do a check-in on and we learned that three people are -- the staffing is there and that the transitions are being supported very well in that particular facility. We are continuing to support the facilities and do the check-ins, as well as assess if there are other people that can transition to other facilities. And we are doing our absolute best to create the end width for the system.

REP. UMBERGER: Could I have a follow-up --

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: -- Representative Weyler? Thank you. So you said right now you've got 19 agreed to. When do you expect to have the other five?

MS. SHEETZ: So at this point in time, the 19 have transitioned. They are actually in the facilities. When we initially took a look at this we were looking at 24 beds. At this point in time, we think that we may be looking at 30 beds moving forward, and we're calling the first 19 to 20 Phase I, and we're looking at a Phase II of potentially up to ten.

Now, what we want to do is we want to make sure that we're working with Heather Moquin and her team at New Hampshire Hospital and Glencliff to assess the readiness for the transitions, as well as assessing and working with the

facilities to make sure that they have the staff and infrastructure to support these individuals.

REP. UMBERGER: Thank you. I do have an additional question on number two.

CHAIRMAN WEYLER: Follow-up.

REP. UMBERGER: Which is how many new beds is this action creating? You said there's 16 beds there now and I just wanted to know how many additional beds is this going to create?

KATJA FOX, Director, Division for Behavioral Health, Department of Health and Human Services: So it's Katja Fox, Director of the Division for Behavioral Health, and I was hesitating because I was looking to Heather and Joe to answer that question. But I'd be happy to jump in and then have them follow-up. So this is not intended to create additional beds at Path. This is to provide the staffing necessary to increase the complexity of the individuals in serving. So serving individuals who have more complex needs than are able to be served right now. So I would, again, defer to Heather and to Joe for more details on that, but that's the upshot of it.

We have found that the individuals who are currently being served, we could serve more and have not had the full capacity at 16, if we were able to handle individuals with more complex needs and more services needed. So that's really the intent of this.

HEATHER MOQUIN, Chief Executive Officer, New Hampshire Hospital, Department of Health and Human Services: Thank you, Katja. This is Heather Moquin at New Hampshire Hospital. As Katja stated, initially when we put the Path Program together, it was very much tailored towards patients who are 100% independent and ready to be living independently without really huge supports in the home or any supports in the home, independent living. So we've, you know, brought those patients over, discharged them very quickly into the community, and what

we're finding is to really increase occupancy at this point we need to be able to serve patients who, although they're not acutely psychiatrically ill needing hospital level of care, they need a little bit more supervision. And we feel like if we can increase staffing, we could move more patients over. But, again, in particular on the second and third shift for safety, we need to add some staffing to make sure that it's safe.

REP. UMBERGER: If I might, one more?

CHAIRMAN WEYLER: Any other question? Yes, Representative Umberger.

REP. UMBERGER: Yes, thank you. This is on psychiatric care expansion for adults, and this is on the DRF beds. And I know that we have talked about these beds in the past, and I'm just wondering what kind of progress is being made across the state for increase in the D-R -- DRF beds?

MS. FOX: So, again, this is Katja Fox, Director for Division for Behavioral Health, and we have made progress. Unfortunately, I don't have anything to publicly share today; but we're actively engaged with it -- three hospitals in developing beds in the six to eight bed range, and those hospitals are across the state, which is really good because we want to make sure that people have access in the North Country as much as they have access in the Manchester area where we have -- already have DRF beds.

So I think that the effort is going to pay off. I think the incentive has really made some hospitals take a second look at this and be able to really think about serving their populations and serving their communities.

REP. UMBERGER: Thank you.

CHAIRMAN WEYLER: Senator Rosenwald for a question.

SEN. ROSENWALD: Thank you, Mr. Chairman. I have a few questions, if I could. Following up on Representative Umberger's first question, for all four of these, when can we expect to have all of these four additional services on-line? What's a target date?

MS. SHEETZ: Senator Rosenwald, for the psychiatric long-term care expansion, this is a work-in-progress with 19 people being transitioned effective June 4th. And we will continue the work with the facilities and to ensure quality patient transition and care. So it is our hope to continue this over the next couple of months based on patient readiness and facility readiness.

SEN. ROSENWALD: And the other -- the other three services?

CHAIRMAN WEYLER: Follow-up.

SEN. ROSENWALD: Thank you.

MS. MOQUIN: Hi, it's Heather again at New Hampshire Hospital. Regarding the Path Program, upon moving forward with these positions, we could stand this up, you know, over 30 days. It wouldn't take long at all.

MS. FOX: And, again, it's Katja Fox for number three, the psychiatric expansion for children. We are actively engaged in our discussions with the providers for that, which are border providers. And we expect that we will be able to open up some beds for New Hampshire children within, I would say, the next 60 days. And keeping in mind, and Henry can help support this, is that if we have reached full capacity at Hampstead, we are able to work with our Managed Care Organizations in looking at placements and we do that today. And, Henry, you may want to talk a little bit about your discussions.

HENRY LIPMAN, Medicaid Director, Division of Medicaid Services, Office of Business and Medicaid Policy, Department of Health and Human Services: We're working with some of the border

hospitals that you referenced who support potential being able to take children. I think we're very close on one and two are in progress.

SEN. ROSENWALD: And follow-up, if I may?

CHAIRMAN WEYLER: Follow-up questions, Senator Rosenwald.

SEN. ROSENWALD: Thank you. So I see that -- oh, and when was the DRF for adults? When do you expect those 20 beds to be on-line?

MS. FOX: Yes. Sorry, I missed that. So those beds are -- it depends. It depends on the particular facility that is looking to bring those beds on-line. So, for example, if it's a new facility or a new hospital that wants to open up new beds and does not currently have a unit, it's likely to take a little bit longer. So they have to be designated as a Designated Receiving Facility, and there's a process for that.

We've been able to turn that around quickly, but there is a process. And they also have to ensure that they have the adequate staffing and the appropriate space. For those that are looking at this that want to add beds, which we are engaged with hospitals that currently have beds and are looking at adding DRF beds, those are going to be much easier in being able to do that. So, hopefully, we'll start seeing some movement on that within the next couple months.

SEN. ROSENWALD: And two more questions, if I could?

CHAIRMAN WEYLER: Two more questions.

SEN. ROSENWALD: Thank you. I notice that there's -- there's really no request here for front door prevent the populations in DRF and it's from expanding. And I'm wondering if the Department can just explain their rationale for not increasing funding for Community Mental Health Programs, crisis intervention, the E.R.

boarding crisis, what is the Department's thinking about more facility-based funding and not outpatient community programs?

MS. FOX: Senator Rosenwald, thank you very much for that question because it does beg the question when you see all of this inpatient capacity being built. When, in fact, as you know, as detailed in the system of care for children and the Ten-Year Plan, those community-based services are in the process of being stood up. So we -- we're fortunate through the legislative process in the last biennium to be able to have a huge infusion of dollars that will build out the supports that you're talking about.

So the Rapid Response, which is what's known as our crisis -- mobile crisis is going statewide, contracts are imminent, and our transitional housing has been an issue in that we put out bids and we get very, very few respondents. However, in working with Henry and with Medicaid, we're looking at equalizing rates for those. So that's in play, and we're hoping that we're going to be able to effectuate that as of July 1st. So all of those efforts, it's not a matter of funding, it's a matter of getting the infrastructure in place.

SEN. ROSENWALD: Thank you. And my final question is a little bit different. During -- but I'm hoping someone from the Department can answer it. During the budget process, we had quite a bit of discussion on the Department's request for homeless shelter rate increases, and we're told that that request could be funded with our funds through Fiscal. And so my question is, is the Department planning to come back when they're pressed for that and at which meeting?

MS. ROUNDS: We don't have a plan yet for bringing that forward or for which meeting. That's something that, you know, this meeting we really saw as the emergency items that needed to get done as quickly as possible which is what this item is. That item is something that's for next budget year so it's something we'll be looking at as the budget gets finalized in the next few weeks.

SEN. ROSENWALD: Because it's not an emergency?

MS. ROUNDS: It's not that it's not important, but it's not an emergency like the emergency room boarding crisis is.

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: Thank you. I thought I saw Representative Edwards with his hand up. He has it down. So next one is Representative Wallner for questions.

REP. WALLNER: Thank you, Chairman Weyler. So on the -- the psychiatric care for children, you said that it's -- you're looking at border -- border states and you're looking to go into contract. Do we have children presently out-of-state in psychiatric hospitals or psychiatric facilities?

MS. MOQUIN: Hi, this is Heather Moquin and, you know, Katja may correct me, but I don't believe we have any children acutely placed out-of-state today, but I'm not certain of that. I'd have to check back with the Department.

MS. FOX: And following up on Heather's remarks, we would need -- I think there's a difference when we're thinking about inpatient level of care at the acute stage, and then certainly looking at the residential treatment services. And so if you were getting at the residential treatment services, I'd have to get back to you on those numbers because, yes, there are placements out-of-state. But then we are, again, as part of the children's system of care building out the residential programs. We got an RFP. We got an overwhelming response for levels -- different levels of care at the residential level, including Level 5, which is the PRTF that I know that you're familiar with.

REP. WALLNER: Thank you. One -- one other question I have about the children who would be placed out of -- out-of-state. How is the family involved in that decision?

MS. MOQUIN: Hi, it's Heather again from New Hampshire Hospital. We're still working on sort of planning of how we would make those referrals, but our initial thought is that any potential referral out-of-state would come out of New Hampshire Hospital, so any overflow or any patients that are waiting in the ED we would be notified here at the hospital, and then we would work with families, as well as the contracted facilities. So it definitely would be a coordinated effort that would involve the family, you know, depending on the location of the child, and -- and, you know, where beds are available. They would be voluntary mostly, referrals as well, so that would really involve a lot of parental involvement. I hope that answers the question.

REP. WALLNER: Yes. Just one further question on that. So if a family objected to their child being out-of-state, we would make it -- we would make an effort to try to keep them in state?

MS. MOQUIN: Absolutely. Yep.

REP. WALLNER: Thank you.

CHAIRMAN WEYLER: Okay.

REP. WALLNER: Those are my questions. Thank you.

CHAIRMAN WEYLER: Thank you, Representative Wallner.
Representative Edwards.

JESS EDWARDS, State Representative, Rockingham County, District #04: Thank you, Mr. Chair. This is maybe a question for Miss Rounds. It's an accounting question. I'm hearing -- we've heard that on item two, expansion of the Path Center, that this line is mostly for new staff. And so as I look at the front page, I notice that there's a lot of money, a program for contracts for program services. I'm not seeing a personnel line item, and I'm curious if this is -- if this is accurately reflecting the way it's going to look in the budget?

MS. ROUNDS: Yes, it would be for contracted staff. So it is accurately reflected.

REP. EDWARDS: And then if -- are we planning -- I see another line here for Path Reno. Are we planning a trip to Reno? That was rhetorical.

MS. ROUNDS: While I have a moment, I also just want to add a point of clarification on number one. It mentions the special case rate per diem. That would actually be paid out of Medicaid budget, and I just wanted to have that on the record. It kind of -- it read in a way that it sounded like these funds would pay for that. It would not. That would come out of the Medicaid budget.

MS. SHEETZ: Just a clarification there, Karen. If they're Medicaid eligible, they will come out of the Medicaid budget.

MS. ROUNDS: Thank you.

MS. SHEETZ: We do have a couple of patients that are pending Medicaid eligibility and in order to appropriately transfer them, the two eighty-nine twelve will come from these monies, but we do not expect it to be a long-term situation and we are working diligently on the Medicaid eligibility. But they were ready to transfer and the facilities were in a position to accept them.

MS. ROUNDS: Thank you, Deb.

CHAIRMAN WEYLER: Was the Reno code a company or person? What does that specifically refer to on that item, Item two?

JOSEPH CARISTA, Chief Financial Officer, New Hampshire Hospital, Department of Health and Human Services: So this is Joe Carista. I'm the CFO for New Hampshire Hospital. Relative to the Reno, it's actually intended to be Reno. And so if -- if there are to be any facility improvements required to increase

the scope of services to maintain safety, that's what that job number was -- is intended for.

CHAIRMAN WEYLER: Renovation.

MR. CARISTA: Correct.

CHAIRMAN WEYLER: Okay. Thank you. Question from Representative Ober.

REP. OBER: Thank you, Mr. Chairman. Karen, if I could piggy-back on something you said to Senator Rosenwald. You said that you set your emergency priorities. You brought this now. You're setting priorities for things later. Could you just help us all understand how you set or don't set those priorities so as we get additional items we know what you're thinking, your process would be in order to do that?

MS. ROUNDS: Hum -- I mean, I certainly haven't written a policy on what I would consider an emergency item or not. I think the nature of the business that DHHS is in, it's something that we re-evaluate every time something comes up. So, you know, right now, this is something that we need to address now. And -- and the -- the homelessness question that Senator Rosenwald brought up is something I can address two weeks from now. Now, tomorrow something might change and it may be that that item has to be moved up to be considered sooner. So -- so as far as the procedure, it's really re-evaluating the facts on a regular basis to see what the -- what the needs are of the community and of the Department.

CHAIRMAN WEYLER: Further questions from the Committee? Seeing none. I will entertain a motion to adopt FIS 21-139.

** SEN. D'ALLESANDRO: I move it.

CHAIRMAN WEYLER: Senator D'Allesandro moves to adopt.

REP. OBER: Second.

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CHAIRMAN WEYLER: Second by Representative Ober. The Clerk will call the roll on approval of FIS 21-139.

REP. UMBERGER: Representative Ober.

REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Umberger. Yes. Representative Wallner.

REP. WALLNER: Yes.

REP. UMBERGER: Senator Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. UMBERGER: Senator Giuda. Senator Giuda, you're on mute.

CHAIRMAN WEYLER: His picture's frozen. I wonder if he's --

REP. UMBERGER: I don't know.

CHAIRMAN WEYLER: Senator Giuda, a response on acceptance of 139?

SEN. GIUDA: Yes.

CHAIRMAN WEYLER: Thank you.

REP. UMBERGER: Thank you. Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: That's ten yes, zero no. Motion pass.

CHAIRMAN WEYLER: Motion -- the request is adopted.

MS. ROUNDS: Thank you very much.

*** {MOTION ADOPTED}

(4) **RSA 14:30-a, VI Fiscal Committee Approval Required
For Acceptance and Expenditure of Funds Over \$100,000
From any Non-State Source and RSA 124:15 Positions
Authorized:**

CHAIRMAN WEYLER: Tab 4, there were seven items on Consent, and three have been requested to be removed. They are FIS 21-136 from the Department of Business and Economic Affairs, 21-138, Department of Environmental Services, and 21-142, Department of Justice. Is there any other items on that tab that anybody wishes to have removed?

REP. UMBERGER: Yes. Mr. Chairman, I'd like to have 21-143 removed.

CHAIRMAN WEYLER: Okay. 21-43 will be removed. Sorry I missed that. I think I had that down. That will also be removed. So that would -- there will be three remaining items. Anybody wish to make a motion on the three?

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** REP. OBER: I will move the remaining items.

SEN. D'ALLESANDRO: I'll second --

CHAIRMAN WEYLER: The remaining items will be 21-135, 21-141, and 21-145 in that motion. Is there a second to approve that?

REP. EMERICK: Emerick seconds.

CHAIRMAN WEYLER: Let's see, who was the second?

REP. EMERICK: Emerick.

CHAIRMAN WEYLER: Representative Emerick. Further discussion on those items? Seeing none. The Clerk will call the roll to approve the aforementioned items.

REP. UMBERGER: Senator Ober.

REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Umberger. Yes. Representative Wallner.

REP. WALLNER: Yes.

REP. UMBERGER: Senator Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

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REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

REP. UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: Ten yes, zero no. The motion passes.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Those aforementioned items are adopted. We'll move on to now the ones that were removed. The first one is 21-136, Department of Business and Economic Affairs. I think I have Representative Ober down with a question from Business and Economic Affairs. Is there someone on to answer that?

****** REP. OBER: Not a question so much, just a clarification. This is the broadband and there was a Senate Bill, Senate Bill 83, that originally with the broadband in OSI, which is being disbanded effective July 1st, if the budget passes. With Jeb Bradley's help that was amended so that the broadband fund could go forward after July 1st. It is now in what will be the newly formed Department of Energy. So I would imagine there will be budget transfers once the budget is passed, if the budget passes, so that it goes to the correct agency. And I think we need to be aware of that as we just passed Senate 83, Senate Bill 83 to make sure that we would have the catcher fund and we

could use these broadband funds. Thank you, Mr. Chairman. And if there isn't any additional discussion, I would move the item.

CHAIRMAN WEYLER: Is there any further questions on item number 136? Any comment from Commissioner Caswell?

TAYLOR CASWELL, Commissioner, Department of Business and Economic Affairs: No. I would just agree with Representative Ober there that --

CHAIRMAN WEYLER: All right. We will anticipate a change when departments change. All right. So Representative Ober moves FIS 21-136. Is there a second?

REP. EMERICK: Emerick seconds.

CHAIRMAN WEYLER: Representative Emerick seconds. The Clerk will call the roll for approval on 21-136.

REP. UMBERGER: Representative Ober.

REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Umberger. Yes. Representative Wallner.

REP. WALLNER: Yes.

REP. UMBERGER: Senator Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

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REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

REP. UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: Ten in favor, zero opposed. The motion passed.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Item number 21-136 is approved. Moving on to item FIS 21-138, Department of Environmental Services, and I believe someone in the Senate has a question on this. Is it Senator Morse?

****** SEN. PRESIDENT MORSE: No. I'd move the item.

CHAIRMAN WEYLER: Oh, okay.

REP. OBER: Second.

CHAIRMAN WEYLER: Motion, the second I believe was Representative Ober.

REP. OBER: Correct.

CHAIRMAN WEYLER: Was there any further discussion on Item FIS-138? Senator Daniels.

SEN. DANIELS: Thank you. The question may have been mine. Uh -- I noticed on all except for two of the items before us today they end with a statement that says in the event that Federal funds no longer become available, General Funds will not be requested to support this program. I do not see any such statement within 138, and I was wondering if it was the Department's intent to continue to request General Funds once the Federal funds run out?

ROBERT SCOTT, Commissioner, Department of Environmental Services: Thank you, Senator. Again, I'm Bob Scott, Commissioner with Department of Environmental Services. No, that would not be our intention.

SEN. DANIELS: Thank you.

CHAIRMAN WEYLER: It's good to have that on the record. Any other discussion on FIS-138?

SEN. D'ALLESANDRO: Could I, Mr. Chairman?

CHAIRMAN WEYLER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Thank you, Mr. Chairman. For the Commissioner. Commissioner, these temporary positions that you're putting together, there are a number of positions here, and what is -- what is your ability to fill these positions?

MR. SCOTT: Thank you, Senator. That is, I think, will be the question of the day because as you may imagine the same industries that we're trying to get these monies to build these projects are going to be drawing from the same labor pool. So that's an open question that remains to be seen. So far, we've been doing pretty well as an agency, I will say, with staff.

Having said that, that is one reason why when you look at our submittal we also have asked for transfers so our TE's, so that would allow us as we are trying to fill these positions to start to move on this initiative, also. So to the extent we can, we would use those funds to reprogram, if you will, available staff that are currently here while we're getting -- getting staffed up to move forward for, hopefully, larger influxes from the ARPA money coming in.

SEN. D'ALLESANDRO: Thank you. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: All right.

SEN. D'ALLESANDRO: I think that remains to be a concern to be honest with you with all of these items, these temporary positions that are going to be filled and the ability for us to do this. These are very worthwhile projects that have to be done. The question is, if you don't have people, what happens? What's the -- what happens? You got \$50 million here that's going to be spent. And you need -- you need support people in order to make these things happen. And these are vital -- these are vital for the state. Just a point -- point of order. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Commissioner, your comment.

MR. SCOTT: I'm sorry, Mr. Chair, were you asking me? I didn't hear, you broke up.

CHAIRMAN WEYLER: The Senator asked what you would do if you couldn't fill the positions.

MR. SCOTT: Again, that's why we have programmed into this request transfers so, obviously, we'd have to triage within the -- our agency, but we would -- we would be basically if we needed to we would be doing some other things less and doing this more, if you will. So we'd use existing staff and fund them with these transfers as needed.

Again, we hope to be able to pull in, obviously, appropriately educated staff to be able to do this work, and so far we've had pretty good success, if you look at the Drinking Water-Groundwater Trust Fund and the State Revolving Loan Program. So we're hopeful.

CHAIRMAN WEYLER: I have a question. If the federal standard for PFAS is 70 parts per trillion, they're paying for these programs and you have artificially lowered that to 12 parts per trillion, what if they don't pay for that, anything below 20 -- 70 parts per trillion?

MR. SCOTT: Again, right now if you talking about the ARPA funds, the -- I'll put in quotations the interim final guidance, anything that qualifies for an existing State Revolving Loan Fund these grants would also apply to. So they don't have that kind of strings attached to it for the ARPA funds in that respect. So I think that should not be an issue in this situation.

CHAIRMAN WEYLER: Well, we'll see. Representative Umberger for a question.

REP. UMBERGER: Yes. Does the Department have a current list of projects that they're planning to fund and how -- how do people know what that list is or how do they get on the list or just -- just the process, I guess, is what my question is?

MR. SCOTT: Sure. And I'll give you a little bit of history, too. So over in April of 2020, we actually solicited just as an indicative, you know, what couple projects are out there, and we were able to get that list. We did that 'cause there was, again, resumption would be just like ARRA years ago there would be some stimulus happening because of COVID.

Of late, though, every year we do a solicitation for the State Revolving Loan Fund, both for clean water, like wastewater treatment projects, that type of thing, and drinking water. This year we -- we -- we -- staff made clear that this would be a

good venue by which the extent that ARRA funds are available -- ARPA funds, excuse me -- are available, this could be a good venue for that.

So what we've received this year that the pre-applications closed on 1 June. We received for both drinking water and clean water projects we received 406 pre-applications for just shy of \$1 billion, assuming we get that kind of money, for asks. So that -- I -- so I say that, those 406 projects represent literally the entirety of the state. I'm not saying there won't be more people desiring, but that -- that is the universe that we have for a listing today. Obviously, all that won't be able to be funded but that's a pretty good representation.

We would anticipate based on the interim final guidance from Treasury to add some other programs, for instance, the Treasury guidance asked -- suggests funding for cyber security projects for this type of infrastructure. So it would be my intention to be able to do that, also. That would be a separate solicitation since that's never been done before and not envisioned in this solicitation that has already gone out.

REP. UMBERGER: If I may --

CHAIRMAN WEYLER: Further question.

REP. UMBERGER: -- Mr. Chairman? Yes. You stated at the beginning that no State funds would be asked for. So, what percentage of funding are you planning to give to these projects and will it clearly be understood that if you accept these funds that this is the end of it?

MR. SCOTT: So the projects will be funded on a discrete basis. So we have this as an example, we have this list of 408 -- 406, excuse me, requests. Those are for discrete projects. So it would be variable. So some of these projects are going to ask for and receive loan funds from the State Revolving Loan Program, and Granite Side of the ARPA monies if you approve that for a sub phase of the project or the project in its

entirety. And some may have what we'd like to do is similar to the Drinking Water- Groundwater Trust Fund where we leverage other funding, also. So some -- there're going to be cases where some of these, most of them are municipalities, many of them will have either bonded themselves, found other loan venues, or leveraged other federal funding, let's say, in which case we do anticipate it could be 100% grant to put them over the top to allow the project to happen.

So when I say, you know, these are all going to be very discrete. So if there's -- we reach the end of the 50 million, our understanding is, especially as the Treasury guidance gets a little bit more definite, and I say that so when you read the interim final guidance they have they're peppered with questions throughout the guidance. So it's -- it's a moving target.

So, for instance, dams is an open question. They actually solicited the reader to provide input should dams qualify under the ARPA funds. So assuming that happens, I have every expectation it will, there's another likelihood for a whole nother raft of need and, you know, pending your approval potential funding for that, also.

So I don't anticipate that we would -- we already have venues for the State Revolving Loan Fund is already in the budget. We have the Drinking Water and Groundwater Trust Fund already in the budget, and the PFAS Loan Fund already in the budget. So I don't see -- it's not my intention, if once this money's, assuming it's allocated has been spent that we'd be coming in asking for more than are allocated.

REP. UMBERGER: Thank you.

CHAIRMAN WEYLER: Thank you. Any further questions on Item No. 138? I'll entertain a motion to adopt.

** SEN. D'ALLESANDRO: Move the item.

REP. UMBERGER: Wait. Mr. Chairman, we have a -- the motion has been made by Senator Morse and seconded by Representative Ober.

CHAIRMAN WEYLER: I thought that was on 136?

REP. UMBERGER: No.

SEN. PRESIDENT MORSE: One thirty-eight.

REP. UMBERGER: One thirty-eight.

CHAIRMAN WEYLER: It was on 138? Okay.

REP. UMBERGER: Yes.

CHAIRMAN WEYLER: Very good. All right. The Clerk will call the roll on acceptance of FIS 21-138.

REP. UMBERGER: Representative Ober.

REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Umberger. Yes. Representative Wallner.

REP. WALLNER: Yes.

REP. UMBERGER: Senator Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

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REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

REP. UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: The vote is ten yes, zero no. The motion passes.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Okay. Thank you, Commissioner. Moving on to item number FIS 21-142 in the Department of Justice. We have someone available to answer questions? Okay.

JOHN FORMELLA, Attorney General, Office of Attorney General, Department of Justice: Apologies, Mr. Chairman. The last about 15 seconds got cutoff so I'm not sure if you asked me to present or --

CHAIRMAN WEYLER: Well, we wanted to know if you're available, Attorney General, to answer questions on this item?

ATTORNEY GENERAL FORMELLA: Yes, Mr. Chairman, I am. My apologies, I'm on Cathy Carr's computer, so that's why the --

CHAIRMAN WEYLER: I see that the name doesn't fit the face.

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ATTORNEY GENERAL FORMELLA: Yeah.

CHAIRMAN WEYLER: But, anyway, Representative Umberger, you had a question on this item.

REP. UMBERGER: No, I did not.

REP. OBER: I thought the Senate did?

SEN. D'ALLESANDRO: The Senate does have questions on the item.

CHAIRMAN WEYLER: All right, who in the Senate has a question?

SEN. D'ALLESANDRO: Senator D'Allesandro has a question.

CHAIRMAN WEYLER: Senator D'Allesandro is recognized for a question.

SEN. D'ALLESANDRO: Thank you, Mr. Chairman, and thank you, Mr. Attorney General. Great to see you. And, again, congratulations.

ATTORNEY GENERAL FORMELLA: Great to see you as well. Thank you, Senator.

SEN. D'ALLESANDRO: Thank you, sir. My question is I think this is a stretch, General. This is something that -- that we would have -- we would have had to do. I mean, we were going to do this anyway, and is this an appropriate use of these funds is my question?

ATTORNEY GENERAL FORMELLA: Yeah. It's a good question, Senator. So under -- you observed the ARPA funds one of the pots is revenue replacement. And my understanding in having discussed this with the Governor's Office and legislative -- some of legislative leadership, is that these funds would just come out of the revenue replacement pot. So they're not meant to be

related to the pandemic beyond the fact that these are coming from revenue replacements funds. So I think that's why we're able to utilize these funds for something like this, which is a critical need, but it should be a one-time need.

SEN. D'ALLESANDRO: I understand the critical nature of the need. There's no -- there's no question about that. And I think -- again, the one-time -- the one-time in my opinion this is a stretch. Obviously, I support -- I support the concept. It's got to be done and it should have been done a long time ago. But, indeed, again, I just -- I just wonder if there's a risk in doing this. Could there be a claw back on this situation?

ATTORNEY GENERAL FORMELLA: I don't think so, as long as these are out of the revenue replacement funds; but I see Senator Morse has his hand up.

SEN. D'ALLESANDRO: Okay. Thank you. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Senator Morse for a question.

SEN. PRESIDENT MORSE: Yeah, we are still trying to define, and I think the Governor's financial people probably are closer, as to what the one-time revenue number was. But when we originally started looking at this the rev -- one-time revenue, I shouldn't have said it that way -- the revenue loss in the State of New Hampshire, approximately and don't hold me to this because this is what they're trying to define under the federal guidance, was 130 million. That 130 million the State could use to virtually replace budget numbers and do whatever you found necessary to do. The rest of the money out of the billion that's coming into New Hampshire very defined on, you know, water, clean water, broadband, things like that. So it's not like the Commissioner said on the last point that we had. We have a number in dams that we'd like to solve, but we are trying to get guidance on whether or not we can do that. But this -- we certainly have probably a little over 100 million that will be

opened up that could solve problems for the State of New Hampshire and I think you'll see that in a few cases. Because some of the things that we've been ignoring on buildings for the last, you know, 20 years that I've been here, we are going to start to try to solve some of the things with one-time money.

CHAIRMAN WEYLER: Representative Ober for a question.

REP. OBER: Thank you, Mr. Chairman. I just wanted to mention that piggy-backing on what Senator Morse said. Part of the issue with trying to work out the lost revenue according to the Governor's Budget Director and according to the interim final rule, if you have read that 151-page document, which I think many of us have slogged through, is that it's based on a calendar year, and not a fiscal year for us. So the Governor's Budget Director has really been diligently working on this in coordination with every expert around, and I agree with Senator Morse. I think this is a use under lost revenue. Thank you.

CHAIRMAN WEYLER: Thank you. Any further questions from committees -- from Committee Members on item number 142 in the Department of Justice? Seeing none. I'll entertain a motion to approve the item.

** SEN. DANIELS: So move, Daniels.

SEN. PRESIDENT MORSE: Move.

CHAIRMAN WEYLER: Senator Daniels moves. Is there a second?

REP. OBER: I think Senator Morse second.

CHAIRMAN WEYLER: Senator Morse second. The Clerk will call the roll to approve item FIS 21-142.

REP. UMBERGER: Representative Ober.

REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Umberger. Yes. Representative Wallner.

REP. WALLNER: Yes.

REP. UMBERGER: Senator Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

REP. UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: The vote is ten yes, zero no. The motion passed.

***** {MOTION ADOPTED}**

ATTORNEY FORMELLA: Thank you very much.

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CHAIRMAN WEYLER: Thank you, Attorney General. All right. Moving on to Item 21-143, Department of Natural and Cultural Resources dealing with state parks. Some questions on that.

REP. UMBERGER: Yes, I did, Mr. Chairman.

CHAIRMAN WEYLER: I'm waiting for somebody to come up to listen to the question.

REP. OBER: Sarah Stewart's up.

REP. UMBERGER: Yes.

CHAIRMAN WEYLER: Okay. Representative Umberger's recognized for a question.

REP. UMBERGER: Thank you very much, Mr. Chairman. My question on all of the other categories that you were discussing that you needed money for, you identified what you were going to do and where you were going to do it. But when I got down to the fire tower renovation, I didn't see any of those detail, and I was just wondering where will this -- what actual fire towers are going to be improved?

SARAH STEWART, Commissioner, Department of Cultural and Natural Resources: Hello. Can you see us?

REP. UMBERGER: Yes.

MS. STEWART: Thank you. Thank you for that question. The ten fire towers that we would be working on are as follows, if you don't mind my list. Pitcher Mountain is in Stoddard which is Cheshire County, Federal Hill in Milford, Hillsborough County, Belknap Mountain in Gilford, Belknap County, Cardigan Mountain is in Orange, Grafton County, Magalloway Mountain is in Pittsburg, Coos County, Blue Jobe is in Strafford or Farmington, sorry, Strafford County, Croyden Mountain is in Croydon, Sullivan County, Green Mountain is in Effingham, Carroll County,

Milan Hill is in Milan, Coos County, and Prospect Mountain is in Lancaster, Coos County.

REP. UMBERGER: Okay. Thank you very much.

CHAIRMAN WEYLER: Thank you.

** REP. OBER: I would move the item, Mr. Chairman.

CHAIRMAN WEYLER: All right. Representative Ober moves item number FIS 21-143.

REP. EMERICK: I second.

CHAIRMAN WEYLER: And a second from Representative Emerick. Any further discussion on that item? Seeing none. The Clerk will call the roll to approve FIS 21-143.

REP. UMBERGER: Representative Ober.

REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Umberger. Yes. Representative Wallner.

REP. WALLNER: Yes.

REP. UMBERGER: Senator Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

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REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

REP. UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: Ten yes, zero no. Motion pass.

***** {MOTION ADOPTED}**

MS. STEWART: Thank you.

CHAIRMAN WEYLER: Thank you to the folks from the Natural and Cultural Resources for coming forward. Is there any other items that we need to discuss?

Make the statement again that these items are all funded under the American Recovery Act. These funds deviate from our normal procedure and that some of the spending we have approved goes beyond the Fiscal Year budget that we are currently working on which is a deviation from our normal procedures, but we expect it to be an ongoing thing as there will be several other items coming forward in future meetings that will also be isolated from the rest of the agenda as they will be treated in a special way.

REP. OBER: I think Senator Morse has a question.

SEN. PRESIDENT MORSE: Mr. Chairman. Yeah. First of all, I'd just like to thank you for reacting so fast to setting up this meeting. I think this meeting compliments House Bill 1, 2, and 25, and I look forward to working with the House on it.

CHAIRMAN WEYLER: We do as well. Thank you very much. Our next meeting is on the 18th. I don't believe we have any of the material available yet. LBA staff will comment.

MR. KANE: Yes. So they'll be mailed out on Thursday. This Thursday.

CHAIRMAN WEYLER: Thank you. All right. If there's nothing else to come before you, thank you all for your attendance. And if there's no objection by show of hands we will adjourn.

SEN. D'ALLESANDRO: Thank you. Mr. Chair.

CHAIRMAN WEYLER: See you all.

REP. OBER: Bye, everybody.

SEN. D'ALLESANDRO: See you all in the Committee of Conference.

CHAIRMAN WEYLER: I will be there as well.

SEN. D'ALLESANDRO: Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Good-bye.

SEN. D'ALLESANDRO: Good-bye. Bless you all.

(Meeting adjourned.)

CERTIFICATION

I, Cecelia A. Trask, a Licensed Shorthand Court Reporter in the State of New Hampshire, do hereby certify that the foregoing transcript was transcribed by me from a digital recording. I was not physically present at this meeting, and I have transcribed the recording to the best of my ability, skill, knowledge, and judgment.

Cecelia A. Trask, RMR, CSR
NH Licensed Shorthand Reporter #00047